

RESTRICTIONS OF "BUCKEYE BAYOU SUBDIVISION"

LIVE OAK COUNTY, TEXAS

STATE OF TEXAS X

COUNTY OF LIVE OAK X

KNOW ALL MEN BY THESE PRESENTS:

That we, CECIL C. CUDD and JOHN O. ROBERTS, of Live Oak County, Texas, being the sole owners of all of the lots and lands shown as subdivided by and upon that certain map entitled "Buckeye Bayou Subdivision", recorded in 154B of the Map Records of Live Oak County, Texas, to which map and plat and the record thereof reference is hereby made for all purposes, hereby place upon the use and occupancy of all of the lots in said "Buckeye Bayou Subdivision", the following restrictions, viz:

PURPOSE

The purpose of these restrictions is to insure the use of all of said property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, to maintain the desired tone of the community, and thereby to secure to each site owner the full benefit and enjoyment of his home, with no greater restriction upon the free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners. Anything tending to detract from the attractiveness and value of the property for residential purposes will not be permitted. These restrictions are for the further purpose of creating and carrying out a uniform plan for the improvement and sale of said Subdivision and the lots therein contained, as a restricted residential section and Subdivision, the following restrictions and conditions on the use of said lots being hereby established and adopted and imposed upon each lot

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and parcel of land in said Subdivision, as shown by said map, which conditions and restrictions shall constitute covenants running with the land, be binding upon and inure to the benefit of CECIL C. CUDD and JOHN O. ROBERTS , their heirs and assigns, and to the purchasers of lots in said Subdivision, and to each of them. These restrictions and conditions shall be made a part of each contract and/or deed executed by or on behalf of CECIL CUDD and JOHN O. ROBERTS, their heirs or assigns, conveying a lot or lots within said Subdivision, by reference to this instrument and its record, and by acceptance thereof, the Grantee, his heirs and assigns, shall be subject to and bound thereby, and each such contract and/or deed shall be conclusively held to have been executed, delivered and accepted subject to all the terms, conditions and restrictions set out in this instrument. In the event, however, of the failure of any contract or deed to lot or lots in said Subdivision to refer to this instrument, this instrument shall nevertheless be considered a part thereof, and any conveyance of such lot or lots shall be construed to be subject to the terms of this instrument.

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DEFINITIONS

- (1) The word "street", as used herein, shall include any street, drive, boulevard, road, land, avenue, or passageway, as shown on the recorded map as a thoroughfare.
- (2) A "corner lot" is one that abuts on more than one street. Any lot, except a corner lot is deemed to front on the street upon which it abuts, a "corner lot" shall be deemed to front on the street on which it has only the smallest dimensions.
- (3) The "front" or "front wall line" of a lot shall be that portion of the lot adjacent to or touching upon the roadway providing primary access to said lot.

USE OF LAND

(1) All lots in said subdivision shall be used as single-family residential lots, and for no other purpose.

(2) No noxious or offensive trade shall be carried on or upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood, and no part of said premises shall be used for the commercial treatment of tuberculosis or any other contagious or infectious disease. No cattle, hogs, poultry, horses or other animals may be kept on any part of the subdivision, except that this paragraph shall not preclude the keeping, as pets, of animals other than the above mentioned, such as are ordinarily kept as pets in residential subdivisions, provided they are not kept or bred for any commercial purpose.

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ARCHITECTURAL RESTRICTIONS

(1) No dwelling shall be erected or placed on any lot having a width of less than seventy (70.0) feet at the minimum building setback line, nor shall any dwelling be erected or placed on any lot having any area of less than Ten Thousand (10,000) square feet.

(2) No other structure shall be erected on any lot in said subdivision than one detached single-family dwelling, not to exceed two stories in height, and a one-story garage for not more than three (3) cars, with attached servants' quarters, storage, or laundry room; provided, however, that no garage, servants' quarters, storage or laundry room shall be erected on any one family residential building lot until after or coincidental with the building of a single-family dwelling thereon in keeping with these restrictions. No attached garage shall face the street in front of the dwelling, and if an unattached garage faces the street, it shall be as far to the rear of the lot as these restrictions permit.

(3) No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence nor shall any residences of temporary character be permitted.

(4) No garage apartment for rental purposes shall be permitted. All living quarters on the property, other than in the main building, are to be for bona fide use of servants only. No houses shall be moved in or on any lot.

(5) All improvements shall be constructed on the lots so as to front the street upon which such lot faces.

(6) No dwelling (exclusive of garages, open porches, carports or patios) shall be permitted on any lot in said subdivision at a cost of less than Thirty Thousand Dollars (\$30,000.00) exclusive of lot value, said cost to be based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of these covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded, at the cost stated herein for the minimum permitted dwelling size.

The ground floor area of the main structure, exclusive of one-story open porches, terraces, patios or garages, whether attached or detached, shall be a minimum of One Thousand (1,000) square feet.

As to a two-story single-family dwelling, the ground floor area of the main structure, exclusive of open porches, patios or garages, either attached or detached, shall be a minimum of Eight Hundred (800) square feet. The second floor area of any two-story family dwelling, exclusive of open porches shall be a minimum of Four Hundred (400) square feet.

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(7) Each and every residence or primary building erected in said Subdivision and covered and included within the purview of these restrictions shall contain a minimum of two (2) bedrooms and one (1) bathroom, regardless of whether or not said rooms are actually used by the owner thereof for those purposes.

(8) No building shall be erected on any lot, or resubdivided lot in said Subdivision less than Twenty (20) feet nor more than thirty (30) feet from the front wall line of said lot; furthermore, any such building shall be erected at least twenty (20) feet from the Water Access Easement as the same is shown on any plat of said lot prior to construction thereon. Nor shall any dwelling be erected nearer than ten (10) feet to any interior side lot line. The side building line upon all corner lots in said Subdivision shall be fifteen (15) feet from the side street line, and no building shall be built on any lot nearer to the side lot line than the distances herein specified and referred to.

(9) The front wall line, back line and side lot line restrictions herein above stated shall not apply to Lots No. 3, 16, 21 and 34, where, for the purposes of maintaining the standards and requirements of these restrictions, it shall be uniformly provided that no building, garage, servants' quarters, sheds, or any other structure, except fences, shall be constructed nearer than twenty (20) feet to any lot boundary line, Water Access Easement or adjacent roadway bordering said lots.

(10) The side lot line restrictions shall not apply to a detached garage, servants' quarters, storage or laundry room, located on the rear quarter of a lot or resubdivided lot.

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Said structure may not be located nearer than a distance equal to 10% of the width of the lot, but in no event nearer than five (5) feet to any side lot line or side easement; provided, however, that the roof overhang does not extend over the side lot line, nor shall they be located on any easement on the rear of any lot.

Any enclosed porch shall be considered as part of the main structure in applying any front line restriction; but any unenclosed entrance, stoop or porch not extending more than six (6) feet from the front of the main structure shall not be considered as part of the main structure in applying any front line restriction, and such unenclosed entrance, stoop or porch, may extend as much as six (6) feet in front of such front building line.

(11) No fence, wall or ledge shall be built or maintained forward of the front wall line of the respective house, except that ornamental fences or baffles may be constructed and maintained forward of said front wall, on the side of the lot, but not the front. On corner lots, no structure or plant growth shall be permitted higher than two (2) feet above curb level within the front fifteen (15) feet of the lot.

(12) No radio or television aerial or guy wires shall be maintained on any portion of any lot forward of the front wall line of the respective house.

(13) No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

(14) No outside toilets shall be permitted.

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(15) Each and every owner of land within this Subdivision shall participate in and subscribe to the refined water system operated by Buckeye Knoll, Inc., or any similar system which may be made available to the residents of Buckeye Bayou Subdivision; provided, however, that any owner of at least twenty thousand (20,000) contiguous square feet of land within this Subdivision shall have the right to drill a water well and install his own water system. Each and every owner of land within this Subdivision shall install his own septic tank or septic tanks with a drain field for sewerage disposal, and if there also be a water well on such owner's land, then his water well and water system shall be located as far away as may be practicable from said sewerage drain field.

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No owner or builder shall drill a water well nearby the sewerage drain field of an adjoining lot.

All sewerage disposal shall be by way of adequate drain fields installed immediately below surface of the ground and no deeper than is required to assure adequate drain and runn off. No deep cavity gravel filled type disposal will be permitted.

The drilling and installation of water wells, water systems and septic tanks called for above are expressly made subject to the rules and regulations of the Commissioners Court of Live Oak County, Texas, the Texas Water Quality Board and any other governmental agency having jurisdiction in such matters.

(16) Every outbuilding except a greenhouse, shall correspond in style and architecture to the dwelling to which it is appurtenant.

(17) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.